

AMENDMENTS TO LB 1014

Introduced by Haar, 21.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. (1) The Teacher Performance Pay Fund is
4 created. The Board of Educational Lands and Funds shall remit only
5 the income from solar and wind energy leases on school lands to the
6 State Treasurer for credit to the fund. The costs of administration
7 related to the income from leases of school lands shall be deducted
8 from the fund in the manner provided in section 72-232.02. The
9 fund may also consist of any gifts, grants, or bequests made to
10 the fund. The fund shall be used for the support and maintenance
11 of the common schools in each public school district in the
12 state by increasing public school teacher salaries to provide for
13 a higher quality of education. Any money in the fund available
14 for investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 For purposes of this section, lease means any lease,
18 easement, covenant, or other such contractual arrangement.

19 (2) If the amount credited to the Teacher Performance Pay
20 Fund from solar and wind energy leases on school lands exceeds the
21 sum of ten million dollars at the end of any calendar year, the
22 State Treasurer shall transfer such amount in excess of ten million
23 dollars from the Teacher Performance Pay Fund to the temporary

1 school fund.

2 (3) Beginning January 15, 2016, and on or before the
3 third Monday in January of each year thereafter, the State
4 Treasurer shall make a complete exhibit of all money belonging to
5 the Teacher Performance Pay Fund, excluding any amount transferred
6 under subsection (2) of this section, and deliver such exhibit duly
7 certified to the Commissioner of Education. On or before February
8 25 after such delivery, the Commissioner of Education shall make
9 the apportionment of such funds to each school district according
10 to the pro rata enumeration of children who are five through
11 eighteen years of age in each district last returned from the
12 school district. The calculation of apportionment for each school
13 fiscal year shall include any corrections to the prior school
14 fiscal year's apportionment.

15 (4) The Commissioner of Education shall certify the
16 amount of the apportionment of the Teacher Performance Pay Fund
17 as provided in subsection (3) of this section to the Director of
18 Administrative Services. The Director of Administrative Services
19 shall draw a warrant on the State Treasurer in favor of the
20 various districts for the respective amounts so certified by the
21 Commissioner of Education.

22 (5) Each school district shall use the funds received
23 under subsection (4) of this section for teacher performance
24 pay. For purposes of this section, teacher performance pay is
25 a systematic process for measuring teachers' performance and
26 linking the measurements to changes in teacher pay. Indicators
27 of teacher performance may include, but are not limited to,

1 improving professional skills and knowledge, classroom performance
2 or instructional behavior, and instructional outcomes. Teacher
3 performance pay may include predetermined bonus amounts and payout
4 criteria. Each school district that receives funds under subsection
5 (4) of this section for teacher performance pay shall utilize such
6 funds as a supplement to the salary schedule provided in local
7 collective-bargaining agreements. For purposes of distribution of
8 such funds only, the Legislature finds that teacher performance
9 pay measurements, criteria, and payout amounts are mandatory topics
10 of collective bargaining. If a school district that receives funds
11 under subsection (4) of this section has not included a system
12 for teacher performance pay within its local collective-bargaining
13 agreement, such funds shall be returned to the State Treasurer
14 within one month of receipt of such funds. The State Treasurer
15 shall immediately credit any funds returned under this subsection
16 to the Teacher Performance Pay Fund.

17 (6) The Teacher Performance Pay Fund shall terminate
18 on June 30, 2020, unless at least seventy-five percent of the
19 school districts receiving funds for teacher performance pay
20 pursuant to subsection (4) of this section have included a system
21 for distribution of such funds within their respective local
22 collective-bargaining agreements by January 1, 2020. To determine
23 whether the fund shall terminate, the Commissioner of Education,
24 on or after January 1, 2020, shall collect data from each school
25 district to determine whether at least seventy-five percent of the
26 school districts have included a system for distribution of funds
27 received for teacher performance pay pursuant to subsection (4)

1 of this section within their respective local collective-bargaining
2 agreements. If the required percentage has not been met, the
3 commissioner shall notify the State Treasurer. The State Treasurer
4 shall then transfer any amounts credited to the fund from solar
5 and wind energy leases on school lands from the Teacher Performance
6 Pay Fund to the temporary school fund and transfer any remaining
7 unexpended balance in the Teacher Performance Pay Fund to the
8 General Fund on June 30, 2020, and the Teacher Performance Pay Fund
9 shall thereafter terminate.

10 Sec. 2. Section 79-1007.13, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-1007.13 The department shall calculate a special
13 receipts allowance for each district equal to the amount of
14 special education, state ward, and accelerated or differentiated
15 curriculum program receipts and the receipts from the Teacher
16 Performance Pay Fund included in local system formula resources
17 under subdivisions (7), (8), (16), ~~and (17)~~, and (18) of section
18 79-1018.01 attributable to the school district.

19 Sec. 3. Section 79-1018.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-1018.01 Except as otherwise provided in this section,
22 local system formula resources include other actual receipts
23 available for the funding of general fund operating expenditures
24 as determined by the department for the second school fiscal
25 year immediately preceding the school fiscal year in which aid
26 is to be paid. Receipts from the Community Improvements Cash Fund
27 and receipts acquired pursuant to the Low-Level Radioactive Waste

1 Disposal Act shall not be included. Other actual receipts include:

2 (1) Public power district sales tax revenue;

3 (2) Fines and license fees;

4 (3) Tuition receipts from individuals, other districts,
5 or any other source except receipts derived from adult education,
6 receipts derived from summer school tuition, receipts derived from
7 early childhood education tuition, and receipts from educational
8 entities as defined in section 79-1201.01 for providing distance
9 education courses through the Distance Education Council until July
10 1, 2008, and the Educational Service Unit Coordinating Council on
11 and after July 1, 2008, to such educational entities;

12 (4) Transportation receipts;

13 (5) Interest on investments;

14 (6) Other miscellaneous noncategorical local receipts,
15 not including receipts from private foundations, individuals,
16 associations, or charitable organizations;

17 (7) Special education receipts;

18 (8) Special education receipts and non-special education
19 receipts from the state for wards of the court and wards of the
20 state;

21 (9) All receipts from the temporary school fund.
22 Beginning with the calculation of aid for school fiscal year
23 2002-03 and each school fiscal year thereafter, receipts from
24 the temporary school fund shall only include receipts pursuant
25 to section 79-1035 and the receipt of funds pursuant to section
26 79-1036 for property leased for a public purpose as set forth in
27 subdivision (1)(a) of section 77-202;

1 (10) Motor vehicle tax receipts received on or after
2 January 1, 1998;

3 (11) Pro rata motor vehicle license fee receipts;

4 (12) Other miscellaneous state receipts excluding revenue
5 from the textbook loan program authorized by section 79-734;

6 (13) Impact aid entitlements for the school fiscal year
7 which have actually been received by the district to the extent
8 allowed by federal law;

9 (14) All other noncategorical federal receipts;

10 (15) All receipts pursuant to the enrollment option
11 program under sections 79-232 to 79-246;

12 (16) Receipts under the federal Medicare Catastrophic
13 Coverage Act of 1988, as such act existed on May 8, 2001, as
14 authorized pursuant to sections 43-2510 and 43-2511 but only to the
15 extent of the amount the local system would have otherwise received
16 pursuant to the Special Education Act; and

17 (17) Receipts for accelerated or differentiated
18 curriculum programs pursuant to sections 79-1106 to 79-1108.03;
19 and-

20 (18) Receipts from the Teacher Performance Pay Fund
21 pursuant to section 1 of this act.

22 Sec. 4. Section 79-1028.01, Revised Statutes Supplement,
23 2009, is amended to read:

24 79-1028.01 (1) For ~~school fiscal year 2008-09~~ and each
25 school fiscal year, ~~thereafter~~, a school district may exceed its
26 maximum general fund budget of expenditures minus the special
27 education budget of expenditures by a specific dollar amount for:

1 (a) Expenditures for repairs to infrastructure damaged by
2 a natural disaster which is declared a disaster emergency pursuant
3 to the Emergency Management Act;

4 (b) Expenditures for judgments, except judgments or
5 orders from the Commission of Industrial Relations, obtained
6 against a school district which require or obligate a school
7 district to pay such judgment, to the extent such judgment is not
8 paid by liability insurance coverage of a school district;

9 (c) Expenditures pursuant to the Retirement Incentive
10 Plan authorized in section 79-855 or the Staff Development
11 Assistance authorized in section 79-856;

12 (d) Expenditures of incentive payments or base fiscal
13 year incentive payments to be received in such school fiscal year
14 pursuant to section 79-1011;

15 (e) Expenditures of amounts received from educational
16 entities as defined in section 79-1201.01 for providing distance
17 education courses through the Educational Service Unit Coordinating
18 Council to such educational entities;

19 (f) Either (i) the first and second school fiscal years
20 the district will be participating in Network Nebraska for the
21 full school fiscal year or (ii) school fiscal year 2008-09, if
22 the school district participated in Network Nebraska for all of
23 school fiscal year 2007-08, for the difference of the estimated
24 expenditures for such school fiscal year for telecommunications
25 services, access to data transmission networks that transmit data
26 to and from the school district, and the transmission of data on
27 such networks as such expenditures are defined by the department

1 for purposes of the distance education and telecommunications
2 allowance minus the dollar amount of such expenditures for the
3 second school fiscal year preceding the first full school fiscal
4 year the district participates in Network Nebraska;

5 (g) Expenditures to pay another school district for the
6 transfer of land from such other school district;

7 (h) Expenditures in school fiscal years 2009-10 through
8 2013-14 to pay for employer contributions pursuant to subsection
9 (2) of section 79-958 to the School Retirement System of the
10 State of Nebraska to the extent that such expenditures exceed the
11 employer contributions under such subsection that would have been
12 made at a contribution rate of seven and thirty-five hundredths
13 percent; and

14 (i) Expenditures in school fiscal years 2009-10 through
15 2013-14 to pay for school district contributions pursuant to
16 subdivision (1)(c)(i) of section 79-9,113 to the Class V School
17 Employees Retirement System to the extent that such expenditures
18 exceed the school district contributions under such subdivision
19 that would have been made at a contribution rate of seven and
20 thirty-seven hundredths percent;—

21 ~~(2) For school fiscal year 2009-10 and each school fiscal~~
22 ~~year thereafter, a school district may exceed its maximum general~~
23 ~~fund budget of expenditures minus the special education budget of~~
24 ~~expenditures by a specific dollar amount for (a) expenditures~~

25 (j) Expenditures for sums agreed to be paid by a school
26 district to certificated employees in exchange for a voluntary
27 termination occurring prior to July 1, 2009;— and ~~(b) expenditures~~

1 (k) Expenditures for new elementary attendance sites in
2 the first year of operation or the first year of operation after
3 being closed for at least one school year if such elementary
4 attendance site will most likely qualify for the elementary site
5 allowance in the immediately following school fiscal year as
6 determined by the state board; and-

7 (l) Expenditures in school fiscal years 2016-17 and
8 2017-18 of amounts received from the Teacher Performance Pay Fund
9 pursuant to section 1 of this act.

10 ~~(3)~~ (2) The state board shall approve, deny, or modify
11 the amount allowed for any exception to the maximum general fund
12 budget of expenditures minus the special education budget of
13 expenditures pursuant to this section.

14 Sec. 5. Section 79-1035.02, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-1035.02 The temporary school fund is the holding fund
17 to which (1) the net income from the school lands, except for the
18 income less costs of administration derived from solar and wind
19 energy leases on school lands which is credited to the Teacher
20 Performance Pay Fund under section 1 of this act, (2) the interest,
21 dividends, and any other income from the permanent school fund,
22 ~~the net income from the school lands,~~ and (3) the money from all
23 other sources required or provided by law are credited as described
24 in Article VII, section 9, of the Constitution of Nebraska. The
25 entire balance of the temporary school fund, including all interest
26 and any other income therefrom, shall be exclusively used for the
27 support and maintenance of the common schools in each public school

1 district in the state as the Legislature provides, in accordance
2 with Article VII, section 9, of the Constitution of Nebraska, and
3 shall be distributed to each public school district annually.

4 Sec. 6. Original sections 79-1007.13, 79-1018.01, and
5 79-1035.02, Reissue Revised Statutes of Nebraska, and section
6 79-1028.01, Revised Statutes Supplement, 2009, are repealed.